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20 November 1978

George A. Depaoli, Esq.
Depaoli & O'Brien
Suite 1005 - Crystal Mall 1
1911 Jefferson Davis Highway
Arlington VA 22202

RE: SMOKING COMPOSITIONS/PM 828/D&O-78-22

Dear George:

Enclosed is a marked up copy of the draft application for the above-cited case. A number of suggested changes have been made, the most major being the inclusion of pyridine derivatives. As you suspected, this inclusion has complicated the case somewhat, particularly with respect to a generic formula that encompasses both pyrazines and pyridines. Although several suggested formulas are enclosed, I'm sure you will devise an even better one. Art related to pyridine derivates is also enclosed for your convenience. Six new examples, which serve to better define the invention, are also enclosed and should be incorporated at the appropriate place.

The term "tobacco composition" has been broadened to "smoking composition" so that non-tobacco smoking materials may be included. Many of these materials may have disagreeable sidestream smoke that may be greatly improved by the use of the instant compounds.

The following patents, which are assigned to PM, disclose non-tobacco substitutes and may be referred to in the specification on page 9, if desired. They include U.S. Patents 4019521, 4079742, 3796222, 3703177, and 3529602. The substitutes may be used alone or may be blended with tobacco components, i.e., stem, leaf, reconstituted tobacco, in any proportion desired.

Although there is no strong objection to Claims 15 and 16, the general comments of those involved suggest that they be deleted. We can best discuss this by phone.

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MARLBORO BENSON & HEDGES PARLIAMENT VIRGINIA SLIMS MULTIFILTER LITE BEER MILLER HIGH LIFE BEER
Source: https://www.industrydocuments.ucsf.edu/docs/qqyj0000

I would like to have Claim 1 broadened to include the term "non-tobacco substitute." Alternatively, we could leave out the reference to tobacco and reconstituted tobacco and simply call it a smoking composition. Dependent claims to tobacco or tobacco and reconstituted tobacco in admixture and a claim to a non-tobacco substitute alone or in admixture with tobacco could be inserted.

With respect to the amount of flavorant added to tobacco, 10% by weight may be an excessive amount. We believe the amount should not exceed about 2% by weight, and the specification and claims should be changed accordingly.

I have not attempted to make a separate listing of suggested changes as I believe most of the changes shown on the draft are self-explanatory. If you have any questions, please let me know. If a different approach is warranted for the pyridine compounds, please advise us.

I look forward to hearing from you soon.

Very truly yours,

Susan A. Hutcheson

ceh
Enclosure
cc: T. Osdene
W. Johnson, Jr.
T. Sanders
Y. Houminer

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